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KMART CORPORATION
(erroneously sued as SEARS HOLDINGS
MANAGEMENT CORPORATION)

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Attorneys for Plaintiffs
ASHLEY CHAVEZ, AMBER FOX AND
SHANNON GALLAGHER

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

21 ASHLEY CHAVEZ, an individual, AMBER
22 FOX, an individual, and SHANNON
GALLAGHER, an individual,

Case No. C 11-02152 MEJ

**STIPULATION [AND PROPOSED
ORDER] OF DISMISSAL**

23 | Plaintiffs.

24 | VS.

25 SEARS HOLDINGS MANAGEMENT
CORPORATION, a Delaware Corporation d.b.a.
26 KMArt and DOES 1 through 53, inclusive,

Defendants.

1 **STIPULATION**

2 Pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, the parties to the
3 above entitled action, by and through their respective counsel, hereby stipulate to the dismissal of
4 Defendant Sears Holdings Management Corporation ("Sears") as follows:

5 Based on the appearance of Kmart Corporation as the proper defendant in this matter,
6 Plaintiffs hereby dismiss Sears with prejudice, as a party to this action.

7 Each party shall bear its own attorneys' fees and costs. All rights of appeal with respect to
8 Sears, are hereby waived.

9
10 DATED: May 4, 2011

OGLETREE, DEAKINS, NASH, SMOAK &
11 STEWART, P.C.

12 By: / s / Danielle Ochs-Tillotson
13 DANIELLE OCHS-TILLOTSON
14 SARAH R. NICHOLS
15 Attorneys for Defendant
16 KMArt CORPORATION
17 (erroneously sued as SEARS HOLDINGS
18 MANAGEMENT CORPORATION)

19 DATED: May 4, 2011

20 THE LAW OFFICE OF GARRY M. TETALMAN

21 By: / s / Garry M. Tetelman
22 GARRY M. TETALMAN
23 Attorney for Plaintiffs
24 ASHLEY CHAVEZ, AMBER FOX, and
25 SHANNON GALLAGHER

26 **-[Proposed] ORDER**

27 Pursuant to the Stipulation of the parties and FOR GOOD CAUSE showing, the above-
28 captioned matter is hereby dismissed, as to Defendant Sears.

Dated: May 5, 2011

25 District Court Judge

